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# A Thorn on the Tulip - A Scottish Trial in the Netherlands: The Story behind the Lockerbie Trial

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# A THORN ON THE TULIP – A SCOTTISH TRIAL IN THE NETHERLANDS: THE STORY BEHIND THE LOCKERBIE TRIAL*

*David R. Andrews*†

## *I. Introduction*

To public international lawyers, this is the story of how international diplomatic action and, as one British official said, "the ingenious use" of international law, including the UN Charter and its legal principles, were successful in bringing the two Libyan suspects, Ali Mohmed Al Megrahi and Al Amin Khalifa Fhimah, before a Scottish court sitting in the Netherlands. The outcome of this story is already known. On January 31, 2001, Al Megrahi was found guilty of mass murder and sentenced to life imprisonment. Al Amin Khalifa Fhima was found not guilty of murder and immediately released.

What is less well known is the pivotal role the trial played in bringing Libya back, more or less, into the fold with the community of nations. Over the last year, there have been many noteworthy developments in Libya. In December 2003, the Bush Administration announced an agreement with Libya to allow weapons inspectors to visit the country. Those inspections resulted in the surrender and dismantling of equipment

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† In February 2005, Mr. Andrews retired from PepsiCo, Inc. where he served as the Senior Vice President for Government Affairs, General Counsel and Secretary. Prior to joining PepsiCo in February 2002, he was a partner at the international law firm of McCutchen, Doyle, Brown & Enersen (now Bingham McCutchen), where he began his law practice 33 years ago. Mr. Andrews served as Chairman of the firm from 1991 to 1994. In 1997 President Clinton nominated Mr. Andrews to serve as the 19th Legal Adviser to the U.S. Department of State, a position he held until April 2000. At the request of Secretary Madeleine Albright and the President, Mr. Andrews then served as the Ambassador and special Negotiator for Iran/U.S. Claims until January 2001. Mr. Andrews received the highest civilian award of the State Department, the Distinguished Service Award for his work in bringing about a resolution of the dispute between China and the United States over compensation for the NATO bombing of the Chinese Embassy in Belgrade and for his lead role in establishing the Scottish Court that sat in the Netherlands to try the two Libyans accused of blowing up Pan Am flight 103 over Lockerbie Scotland.

Libya used to develop nuclear and other illicit arms. In September 2004, Libya made payments to the families who lost loved ones on Pan Am 103 and that same month, the Bush Administration, followed by the EU, lifted trade sanctions against Libya. President Bush has spoken of how these developments vindicate his anti-terrorism policy. In fact, these developments were the natural progression of events that began with the Scottish trial in the Netherlands, a trial that came, as I will discuss shortly, through the dedicated efforts of many people and, ultimately, a willingness by Libya to turn over a new leaf in its dealings with the U.S. and Europe.

Today I will discuss how we -- the UK and U.S. -- were able to bring about this trial, the challenges we faced and the lessons we can take away from the experience. In the course of my discussion, I will also touch upon the legal issues and underlying strategies that guided our efforts. Let me begin however with some background.

*II. Background*

The bombing of Pan Am 103 was the most horrifying act of mass murder of the time—259 people blown out of the night sky over Lockerbie, Scotland. At 7:03 pm, on December 22, 1988 a bomb exploded in the cargo hold on the flight bound from London to New York. The bodies fell within seconds on Lockerbie and across a vast area surrounding the small town of 3000 people. Eleven people on the ground were killed. 189 Americans lost their lives. Among those killed were two lawyers from PepsiCo.

After nearly three years of investigations, the UK and the U.S. concluded that the evidence pointed to two alleged Libyan security agents who had worked for Libyan Airlines in Malta. On November 13, 1991, the Sheriff—that is judge—at Dumfries, Scotland, issued a warrant for the arrest of the two Libyan nationals on the charges of murder. The next day, November 14, 1991, a U.S. grand jury in Washington, DC handed down an indictment for murder against Al Magrahi and Khalifa Fhima. This was the culmination of the most extensive detective search in criminal history: 15,000 interviews conducted in over twenty countries, 35,000 photos, and 180,000 pieces of evidence. Scotland Yard was helped by a dozen experts from the FBI as well as agents from other countries.

In another tragic event little noted in the U.S., on September 19, 1989, eight months after the bombing of Pan Am 103, French UTA flight 772 from Paris exploded over Chad killing 171 people. About a month after the U.S. and UK completed their investigation of the bombing of Pan Am 103, the French on December 20, 1991 issued a communiqué announcing that a judicial inquiry into the sabotage of the DC 10 aircraft had implicated several Libyan nationals, and called upon Libya to produce all material evidence, facilitate access to documents and respond to requests made by

the examining magistrate. For reasons known only to its government, France did not seek extradition of the six Libyan nationals against whom charges were later made, and instead tried them in absentia.

*III. Strategy*

Let me turn now to the thinking that was at the foundation of the strategy that was ultimately developed. As you will recall, the U.S. response to the 1986 bombing of a Berlin nightclub was air attacks on one of Muammar Gaddafi's palaces in Tripoli. Following the Pan Am 103 indictments, the Bush I Administration opted against military action. Instead, working with the UK, it decided to undertake a series of diplomatic steps at the UN, with particular emphasis on the Security Council, to bring pressure on Libya to turn over the two suspects. To that end, after the indictments were handed down, copies of the charges and the warrants as well as the indictments were supplied to Libya's Permanent Representative at the UN. Libya quickly responded by denying all knowledge of the crime. Of course this was not unexpected.

- A few days later the U.S. and UK governments issued a joint declaration stating that Libya must:
- Surrender for trial all those charged with the crime, and accept responsibility for the actions of Libyan officials;
- Disclose all it knew of the crime, including the names of all those responsible, and allow for full access to all witnesses, documents, and other material evidence; and finally,
- Pay appropriate compensation.

The U.S., UK and French Governments then joined together to seek action from the UN Security Council when the demands were not met.

The Security Council is the primary organ for addressing matters relating to the maintenance of international peace and security under the UN Charter. No country had asked the Council to involve itself in a terrorist act such as Pan Am 103. There was, however, a willingness at the time to consider the use of the Council's power under Chapter VII of the UN Charter. Those powers authorize the use of economic or military measures against a state to maintain or restore international peace and security.

In the weeks that followed the collective demands of the U.S., UK, and France, Libya showed no willingness to make the accused available for trial or to acknowledge its involvement in the terrorist acts. This refusal allowed the three governments to convince the Security Council to pass UNSCR 731 which adopted the three demands of the joint U.S./UK joint declaration: that is, surrender the suspects and accept responsibility for

actions of Libyan officials; disclose all it knew of the crimes; and pay appropriate compensation.

UNSCR 731 was styled as a "request." When Libya failed to comply, the U.S., UK, and France were successful in gaining passage of UNSCR 748, which made the provisions of Resolution 731 mandatory under Chapter VII of the UN Charter. It also required that Libya commit itself to cease all forms of terrorist action and assistance to terrorist groups and prove renunciation of terrorism by concrete actions. Resolution 748 imposed a ban on flights to and from Libya, an arms embargo, a reduction in the size of the Libyan diplomatic missions and the closure of all Libyan Arab Airlines abroad.

After more than a year passed and still no action by Libya, the U.S., UK, and France convinced the Security Council to act again and to adopt Resolution 883 in November 1993. Resolution 883 extended the sanctions to include a partial freeze on Libyan public assets, an embargo on certain oil industry equipment, and the tightening of existing measures. It also provided an incentive for Libya to comply. Paragraph 16 of the Resolution added that sanctions would be immediately suspended if Libya ensured, among other things, the appearance of the accused for trial before "the appropriate United Kingdom or United States court."

*IV. Third Country Trial*

I would like to say that with 883, the master strategy was all in place for a trial in the Netherlands before a Scottish Court. In fact, at that point in time, the idea of a third-country trial venue was not among the options being considered by either the U.S. or UK. The hope was that Libya would simply capitulate and turn over the defendants for trial in the U.S. and UK. That was not in the cards, however, and over time, the sanctions regime began to weaken. A new phrase was introduced into the lexicon: "sanctions fatigue," where countries failed to enforce the various terms of the Security Council's resolutions. This was a troubling development, one in which the UN's authority was being eroded. There was a need to do something. The third-country venue turned out to be the solution. However, this solution did not become evident until later.

Between 1992 and 1994, ideas for a third country trial surfaced from a number of quarters; a seven-man committee established by the League of Arab States suggested a trial in France, in Libya or another Arab state. Libya pursued the idea of a trial before the International Court of Justice in The Hague, or a trial before a Scottish court under Scottish law sitting in The Hague. The latter proposal was clearly a bluff—but nevertheless—one that we would later take up.

From 1994-1997, the U.S. and UK Governments consistently rejected any proposal which was not viewed as being consistent with the Security

Council resolutions. Remember of course, Paragraph 16 of UNSCR 883 spoke only of the appearance of the accused before "the appropriate United Kingdom or United States court" and by implication, that the court would sit in Scotland or the U.S.

From the U.S. vantage point, acceptance of any proposal that appeared to differ from this interpretation of 883 might be viewed (and was initially viewed by the Attorney General) as a violation of our Counter-terrorism Policy. The AG worried it might appear to some to give to those accused of terrorism a choice as to where and how they should be tried. It might also be seen as an acknowledgement that the accused would not get a fair trial in the U.S. or in Scotland.

By the end of 1997, sanctions had been in place for over five years and sanctions fatigue had set in with a vengeance. Various countries were violating the embargo on trade, and the prohibition on flights was being violated with alarming frequency. The victims' family groups were concerned over the weakening sanctions regime and so were we. There were also wild accusations of a U.S./UK cover-up. Most of the U.S. families of the victims had brought suit against Libya in federal district court in New York. On numerous occasions they requested that the U.S. Department of Justice turn over the evidence supporting the indictment. The U.S. "evidence" included a defector in the witness-protection program, known only as "puzzle piece." He was later identified by the Scottish court as Abdul Majid, a member of the Libyan External Security Organization. The evidence could not, of course, be made public before the trial and, in the absence of a public airing of the evidence, conspiracy theories proliferated. The U.S. and UK were beginning to look, albeit unfairly, as hostile to the families' efforts to obtain civil justice in the Courts. The tenth anniversary of the crime—December 21, 1998—then only a year away, brought increased pressure. Combined with France's decision to go forward with the UTA bombing trial in absentia, both the U.S. and UK were forced to reconsider the idea of a third country trial.

In January 1997, Madeleine Albright was sworn in as Secretary of State. Not long after, she met with a family group representing victims of Pan Am 103. As a result of this meeting and the sanctions fatigue phenomenon she was keen on getting an initiative moving. On August 29, I was confirmed by the Senate as the 19th Legal Adviser to the Department of State. In one of our first meetings, the Secretary raised the subject of Lockerbie with me. She was clear that she wanted me to determine whether a third country trial was possible from a legal standpoint and whether such a trial would be consistent with the UN Security Council resolutions. If it could be done, there was never any question of launching the initiative simply to call Libya's bluff. Any initiative would have to be prepared on the assumption that it would be accepted, even though there could be no certainty of this. Every detail therefore had to be settled in advance. I set

about with a few key members of my staff, including Bill Kissinger and Mike Matheson, to outline what the initiative should look like.

*V. The Initiative and Associated Legal Issues*

To be consistent with UNSCR 883, the initiative would have to result in trial by a U.S. or UK Court. It was obvious that a trial by a U.S. court would not be politically acceptable, if for no other reason than the likelihood the U.S. Department of Justice would seek the death penalty. We knew that this would create an unnecessary obstacle to developing the necessary international consensus to push the initiative. We decided early on, therefore, only to explore the use of a trial before a Scottish Court.

We also knew we would need to find a country to host the trial that would be considered "neutral" but which could work with us to design a plan that would for all intents and purposes allow the Scottish court to sit as if it were in Edinburgh.

Because of concerns about security and leaks at both the State Department and the UK Foreign and Commonwealth Office (FCO), knowledge of the Lockerbie initiative was "compartmentalized"—that is, knowledge of the initiative and its contents was limited to only a few people on each side of the Atlantic. Of course the President, who approved the initiative, and National Security Adviser, Sandy Berger, were briefed, but no more than six people at State, including Kissinger, Matheson and David Welch, then the deputy assistant secretary for NEA, and four at the Department of Justice including Janet Reno and Brian Murtagh, Deputy Chief of the Terrorism and Violent Crime Section of the Criminal Division, knew about it during the first few months of negotiations with the UK.

After receiving the go ahead from the President, Albright called Robin Cooke, her British counterpart, to discuss the initiative. After a few days of consultations in his government, Cooke had the authorization from his government to work out the details with the U.S. Time was of the essence, the longer negotiations took, the greater the chance of a leak.

The first of many trips to London for meetings with my UK counterpart, Sir Franklin Berman, Legal Adviser to the FCO, and Tony Aust occurred in late September. During 1998 I was the most frequent State Department visitor to Embassy London. The Lord Advocate of Scotland, Andrew Hardy, whose office would try the case, was brought into the discussions after the first meeting with Sir Franklin.

After establishing that the Lord Advocate believed that he had sufficient evidence to win the case, discussions between the U.S. and UK covered some three dozen topics, all of which needed detailed consideration. Our initial decision, however, focused on finding a "friendly and compatible" host country. The Netherlands was an easy choice for all of the obvious reasons, plus it had the advantage of having been suggested

by Libya. We hoped the Dutch would agree, but due to concerns over leaks, we felt we could not approach them until we had the entire program between the U.S. and UK worked out.

Although we were shoulder-to-shoulder with the British and Scots throughout this effort, there were many issues that needed to be resolved. Nineteen of these topics required a substantial amount of our attention. Let me give you a sense of the breadth of these issues:

- The first involved guarantees that the U.S. indictments would not be compromised by a third country trial. DOJ was willing to let the Scots take the first crack at trying the two but did not want to be seen as compromising their indictments. We determined there was no international double jeopardy concept, but politically it was important that the U.S. indictments remain viable. We now know this was a false premise since most of the evidence was aired at the Scottish trial, and if the Scots could not get a conviction, it was doubtful we could. But, at the time, DOJ wanted to protect its options in the event of a mistrial.
- Another very significant issue was the U.S. role at the Scottish trial. We were concerned that the Scottish prosecutors might want the U.S. prosecutors to take a more active role in the trial which might legitimately raise the issue of double jeopardy should we want to try the individuals in a U.S. court. We ended up providing what evidence we had and the U.S. prosecutors simply monitored the trial.
- Third was the composition of the court and the extent to which it was in all respects a Scottish Court. We quickly realized that it would be necessary to dispense with a jury since it would not be practical to absent a group of Scottish citizens from Scotland for the better part of a year. The Lord Advocate was prepared to dispense with the jury, opting instead for a panel of three judges plus one alternate. Otherwise, he was adamant that there should be no divergence from Scots criminal law and procedure. This required legislation, which the Lord Advocate, working with the FCO, managed to craft as an "Order in Council" that created the necessary legislative changes without requiring a vote by Parliament.
- There were numerous issues on the scope of the Scottish Court's jurisdiction—would it have contempt power, for example—as well as the international treaty required to create a Scottish island in the midst of the Netherlands. Since we had not yet talked to the Dutch, this was an issue that had to wait until later.

Other matters included sorting out such diverse issues as:

- ensuring that any UN Security Council resolution supported extraditing the suspects only to the Scottish Court in the Netherlands and no where else;
- resolving where the defendants would be imprisoned if convicted;
- making arrangements for observers, since we anticipated that the Arab League would want international observers;
- deciding whether witnesses would only testify in person or potentially by electronic means;
- defining the ancillary jurisdiction of the court such as contempt; (Ordinarily courts can imprison uncooperative witnesses. Would we give the Court such authority? What about detention of uncooperative witnesses?);
- Arranging for media coverage. Would media be allowed under Scottish procedures? Would we allow TV coverage of the trial? What about special arrangement for the Pan Am 103 families and Lockerbie families?
- Who would pay for the specifically constructed courtroom and jail while the suspects awaited trial?

All of these issues required careful consideration. For six months, ending in April 1998, we worked through all of these and other questions before distilling our conclusions in a memorandum of understanding (MOU) between the U.S. and UK Governments. The U.S. Department of Justice still was highly skeptical of this venture, but they reluctantly went along with our agreements. Now came perhaps the trickiest and certainly the most crucial part of our initiative: getting the Dutch to agree.

*VI. The Dutch*

On May 20, 1998, eight months after Secretary Albright and UK Foreign Secretary Robin Cooke authorized me and my British counterpart to begin negotiations on the terms of the MOU, the first meeting with the Dutch took place. We presented them a slimmed-down version of the U.S./UK MOU. After this initial meeting, the negotiations were completed at an intensive three-day meeting in The Hague in late July. Matters were somewhat complicated by the fact that a new Dutch Government had just been elected, which came into being after our first meeting in May. For all our careful planning we did not count on this event.

Luckily, the new Dutch Government was extraordinarily cooperative and addressed this matter as one of its first items of business. An example of their cooperativeness was their suggestion that there be no authentic

Dutch language text—a requirement for most international agreements—thereby shortening considerably the process of agreeing to the final texts.

The UK/Dutch Agreement had to deal with three main issues: First, the process by which the accused were to be transferred from Dutch to Scottish jurisdiction. On landing in the Netherlands the two defendants were within Dutch jurisdiction. There would have to be an immediate request for transfer from Dutch jurisdiction to Scottish jurisdiction. This would be accomplished in accordance with the existing extradition treaty between the UK and Dutch Governments and the contemplated UN Security Council resolution under Chapter VII which would ask the Dutch Government to "hold" or detain the suspects prior to transfer to the Scottish authorities.

The second was the legal basis for holding the accused by the Scottish authorities for trial. Scottish law would have to provide for this and the Netherlands would have to agree to this exercise of foreign criminal jurisdiction on its territory. The agreement addressed these issues and other matters to ensure that the defendants would be held "within the premises of the Scottish Court in accordance with Scots law and practice." Following the trial and appeals the Dutch Government wanted the Court's existence to terminate. The agreement therefore provided that the trial would be a one-time event.

The third matter was the limits on the jurisdictional powers of the Scottish Court and Scottish authorities when in the Netherlands for the purpose of trial. The agreement provided that the jurisdiction of the Scottish Court and Scottish authorities "is limited to the trial." Nevertheless, the Court needed to have certain incidental jurisdictional powers to deal effectively with matters which might arise during the course of the trial, such as contempt of court and general order on the premises of the Court. We also wanted the Court's activities to be "ringfenced," so that it could operate freely without any danger of the accused or anyone else being able to complain to the Dutch courts. It was necessary for this to be expressly acknowledged in the Agreement so that it would be clear that the Dutch courts would have no jurisdiction.

This, of course, raised tricky issues. What happens if one of the defendants fell ill and required medical treatment? Camp Zeist had only limited facilities. If a defendant required hospitalization in a Dutch hospital, how would we deal with the renewed jurisdictional questions? Would they then be subject to the jurisdiction of Dutch Courts? We had to deal with these issues as well.

Most of the rest of the Agreement dealt with diplomatic privileges, immunities and facilities for the Court and persons connected with it, and cost. We were convinced that the initiative was consistent with and well within the terms of UNSR 883. In the words of 883, this would be a trial before "the appropriate United Kingdom court."

Having obtained Dutch consent to plant a patch of Scottish territory in the Netherlands, the next question was where. The Dutch quickly identified several possible sites. We settled on a former World War II U.S. air base then in the hands of the Dutch Air Force—Camp Zeist—as the venue. This particular aspect raised one of the few humorous moments in the negotiations as we had to make special arrangements for the Royal Dutch Air Force Band that then called Camp Zeist home. We spent considerable time discussing the needs of the musicians and what facilities they would require for a new home.

Once we had the arrangements with the Dutch completed, we prepared a joint U.S./UK letter to the UN Secretary-General to launch the initiative as well as a draft Security Council Resolution. The UK drew up the necessary Scottish legislation.

By July 1998, all the groundwork was done and we were ready to announce the initiative.

*VII. Launching the Initiative*

On August 5, I flew to New York to meet with the UN Legal Adviser Hans Corell to brief him on the initiative. A few days later I flew to Paris to brief the French who had not been involved in any of these discussions. On August 24, Secretary Albright called the American Pan Am 103 families and told them about the initiative. Robin Cooke did the same for the UK families. We received a mixed reaction from the various U.S. family groups, some in favor, and some against. Those against mostly favored some form of military action against Libya.

The same day, the U.S. and UK Permanent Representatives to the UN sent the joint U.S./UK letter to the Secretary-General launching the initiative. We had concluded the Secretary-General would be the appropriate intermediary with Libya, since neither the U.S. nor the UK wanted to deal directly with its representatives. In particular we did not want to appear to be negotiating with Libya, directly or indirectly, over the terms of a trial. Thus, the letter to the Secretary-General made clear that the initiative was a "take it, or leave it" proposal. There would be no negotiations over its terms.

On August 27, the Security Council unanimously adopted Resolution 1192, the first unanimous vote on a Lockerbie resolution since the initial, UNSCR 731 in January 1992. Resolution 1192 repeated the demand that Libya comply with the previous resolutions. It called upon the Secretary-General to assist the Libyan Government with the "physical" arrangements for the safe transfer of the defendants to the Netherlands and addressed our concern they might try to seek asylum or deploy some other delaying or obstructive tactics. It also provided that the sanctions would remain in force, but would be "suspended immediately if the Secretary-General

reported to the Security Council that the two had arrived in the Netherlands for the purpose of trial before the Scottish Court" and that "the Libyan Government has satisfied the French judicial authorities with regard to the bombing of UTA 772." The latter provision was necessary and an important reminder that the previous resolutions were not only about Lockerbie.

In the seven months between adoption of Resolution 1192 and the handover of the accused in the Netherlands on April 5, 1999, two key activities took place. First, the holding cells and the courthouse at Camp Zeist were constructed. We had spent enormous time and effort making the legal and diplomatic arrangements. It was now time to spend money on bricks and mortar to ensure we could actually go forward with the initiative if the two suspects were turned over.

Second, we began an intense diplomatic effort to persuade Libya to hand over the defendants. To that end, UK and UN diplomats around the globe were deployed to convince other nations to push Libya to accept the terms of the initiative. At the request of the Secretary General, Nelson Mandela and Prince Bandan bin Sultan joined the effort. Given the desire for a solution to the seemingly intractable problems we faced with the eroding Libyan sanctions regime, we received a favorable response, with numerous other countries pushing Libya to accept the proposal.

Libya began to show some signs of interest. Through an interlocutor, Libya asked questions about Scottish criminal law and procedure. The Secretary General commissioned a study on the Scottish legal systems. Libya was moving toward a favorable decision.

On April 5, the Secretary General announced that the defendants had arrived in the Netherlands, where they had been detained by the Dutch authorities. He added that the French Government had informed him that the Libyan Government had satisfied the French judicial authorities with regard to UTA flight 772. In short, all the conditions for the suspension of sanctions had been met and they were suspended on that day in accordance with Resolution 1192.

That same day, an extradition hearing was held in a Dutch court. The accused did not challenge their extradition to Scottish jurisdiction, and they were transferred to the Scottish authorities at Camp Zeist. There, they were arrested by Scottish police officers, and, on April 6, 2001, the charges for murdering 270 people were read to them. They were brought before Graham Cox, the Sheriff Principal of South Strathclyde, Dumfries, and Galloway and the judge with jurisdiction for the Lockerbie area. He remanded them in custody within the premises of the Court. On April 14, the judge committed the accused for trial. In January 2001, Al Megrahi was convicted. Al Megrahi's appeal was denied in March 2002 and he is now serving his prison sentence in Scotland.

*VIII. Achievements and Lessons Learned*

Measured against the goal of conducting a Scottish trial in a third country, the U.S./UK effort was a stunning success especially when one considers all the pieces that had to be put in place. But it was not without significant costs: The trial alone cost more than $150 million and involved virtually every level of the UK, U.S., and Dutch governments, not to mention diplomats at the UN and around the world. Was this effort worth it? I think the answer to that question is a qualified yes.

For at least some of the victims' families, it brought closure and an airing of the evidence against Libya. For others, though, it brought further anguish because the trial did not convict Muammar Gaddafi, who, for many, is the real culprit.

Equally important, the initiative provided a means for Libya to take steps to make amends for its terrorist behavior. In the aftermath of the criminal trial, Libya reached settlements with the Pan Am 103 families, paying each family approximately $10 million. It also settled with the UTA victims' families. The recent willingness of Libya to turn equipment and materials associated with its former WMD programs and the normalizing of diplomatic relations with the U.S. and Europe all began with the Lockerbie trial. So on balance, I believe the trial and the efforts leading up to it were worth the cost.

There are some important lessons, however, that we ought to take from the experience. Perhaps most notable is that the third country trial is not a model that we ought to consider lightly, if ever. The process of setting up such a specialized tribunal is cumbersome and enormously time consuming. Given the political and practical situation we faced with Libya, this solution was appropriate, and it worked. But it is hard to imagine a situation in the future that would lend itself to a similar solution—I hope not, anyway, for the sake of my successors!